

MOA No: FNA/08-99-01

Effective Date: June 15, 1999

MEMORANDUM OF AGREEMENT (MOA)

BETWEEN

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION (DOT/FAA)

AND

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

AVIATION SAFETY REPORTING SYSTEM (ASRS)

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to continue the commitment by the Federal Aviation Administration (FAA) and the National Aeronautics and Space Administration (NASA) in support of the Aviation Safety Reporting System (ASRS). It describes the basic relationship between the FAA's Aviation Safety Reporting Program and the NASA ASRS, and outlines the roles and responsibilities of each agency.

II. BACKGROUND

A. The Administrator of the FAA/DOT is empowered and directed to encourage and foster safety in air commerce. Pursuant to this authority, the Administrator adopted a voluntary Aviation Safety Reporting Program (40 F.R. 17775, April 22, 1975) designed to acquire previously unattainable information concerning potential deficiencies and discrepancies in the National Airspace System (NAS).

B. The National Aeronautics and Space Administration has continuing responsibility to engage in aviation research and technology development programs and is authorized, in carrying out this responsibility, to enter into appropriate agreements with other Government agencies.

C. The Aviation Safety Reporting System (ASRS) was established in an original Memorandum of Agreement signed August 15, 1975. The Agreement and a description of ASRS were published in the Federal Register on April 15, 1976 (41 F.R. 15,903, 15,914). The ASRS was designed and established by NASA and began operations on April 15, 1976. The original agreement was amended on April 24, 1979, and extended as required until September 30, 1997. This Memorandum of Agreement supersedes these agreements and any amendment or extension thereto.

D. In order to continue to ensure the anonymity of individuals who report incidents, the FAA has determined that NASA, rather than FAA, shall continue to receive, process, and analyze the incident reports. This arrangement continues to enhance the effectiveness of the Aviation Safety Reporting Program (ASRP), and consequently increases the flow of information necessary for the effective evaluation of the safety and efficiency of the aviation system. NASA has determined that undertaking this task is consistent with its aviation research and technology development responsibilities and significantly increases its ability to fulfill those responsibilities.

III. SCOPE/OBJECTIVES

A. GENERAL:

Pursuant to the original agreement, NASA designed and implemented an ASRS. This system is designed primarily to provide information to FAA and the aviation community to assist them in reaching the goal of identifying and eliminating unsafe conditions to prevent accidents. FAA Advisory Circular, AC 00-46D, Aviation Safety Reporting Program, provides the basis for the ASRS program.

B. DESCRIPTION:

ASRS is designed to perform five primary functions: (1) receipt, de-identification, and processing of incident reports; (2) analysis and interpretation of incident data; (3) issuance of alert messages within a specified time period; (4) dissemination of reports and other information; and (5) ASRS evaluation and review.

1. NASA has developed procedures for receiving, de-identifying, and processing ASRS reports, including those covered by the FAA's ASRP. These procedures ensure that reports are initially screened by NASA officials for:

- a. time-critical information that will be promptly referred to the FAA and other interested parties for appropriate action, as well as information for potential alert messages;
- b. information concerning criminal offenses that will be promptly referred to the Department of Justice and FAA; and
- c. information concerning accidents that will be promptly referred to the National Transportation Safety Board and FAA.

2. Except for reports covered by the preceding paragraphs (b) and (c), reports shall be de-identified by deleting all information that would reveal identities of persons filing reports and persons named in those reports. The anonymous data will be available for public inspection except as authorized or required by Federal law to be withheld.

C. CONFIDENTIALITY:

Experience gained by FAA under its near midair collision program and ASRP has indicated that the willingness of persons to submit a report depends to a large degree on preserving the reporter's confidentiality and anonymity as well as that of persons named in those reports. Accordingly, FAA will not seek, and NASA will not release to FAA, any information that might reveal the identity of such persons.

D. PROGRAM PROMOTION:

The FAA and NASA will develop and maintain a promotional program to acquaint the aviation community and the public fully with all aspects of ASRP, ASRS, and their interrelationship. All press releases and other public announcements will be subject to prior consultation between the parties. The parties will cooperate with organizations within the aviation community to encourage the promotion of ASRS.

IV. STATEMENT OF WORK

A. A detailed description of the program, the overall responsibilities of the parties, the program performance measures, and funding requirements are included in an interagency agreement.

B. RESOURCES:

1. Management and Staffing. ASRS functions will be performed by NASA with the assistance of such others as may be necessary. Contracts will be performance based and awarded in accordance with the Federal Acquisition Regulations. All forms used in ASRS will be NASA forms. All records will be the records of NASA.

The FAA and NASA will each designate an official for the purpose of ensuring continuing liaison in administering ASRS and its technical aspects. FAA will designate the ASRP Program Manager and NASA will designate the ASRS Program Director as the responsible officials. These officials will meet as required and as directed by the Interagency Agreement to ensure that the system is meeting its intended goals and objectives.

2. Advisory Committee. NASA will maintain an ASRS Advisory Subcommittee within the framework of NASA Aero-Space Technology Advisory Committee (ASTAC). This Subcommittee shall operate in accordance with the Federal Advisory Committee Act. The purpose of the subcommittee will be to advise NASA on the design and operation of the ASRS program to ensure the integrity of confidentiality and to provide an additional means of communication with the aviation community concerning ASRS. The membership of the subcommittee will be appointed by NASA from elements involved in the operational aspects of the NAS, including the FAA and the Department of Defense. The subcommittee will provide technical advice and counsel to the chair of the ASTAC per the ASRS subcommittee terms of reference.

V. EFFECTIVE DATE

This MOA shall take effect when signed by both parties and shall remain in force and effect unless terminated sooner in accordance with Para. VI., below or until expiration of the Interagency Agreement implementing this MOA. It is anticipated that the Interagency Agreement will be for a 5-year period.

VI. TERMINATION

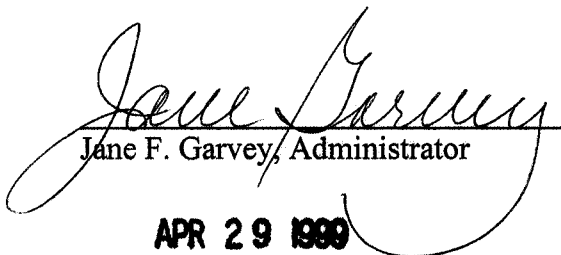
Termination may be by mutual agreement of the parties or by notice in writing forwarded by one party to the other not less than 12 months in advance of such termination.

VII. AUTHORITY

This agreement is entered into under the authority of the Economy Act, 31 United States Code, Section 1535, the FAA Acquisition Management System, Section 3.8.1, and Title 49, United States Code, Subtitle VII, as amended, and the National Aeronautics and Space Act of 1958, as amended.

APPROVAL:

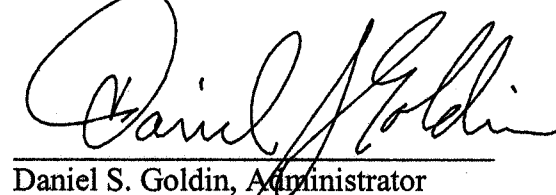
Department of Transportation
Federal Aviation Administration


Jane F. Garvey, Administrator

APR 29 1999

Date

National Aeronautics and Space
Administration


Daniel S. Goldin, Administrator

JUN 15 1999

Date

Functional Organization of ASRS

